

Case Status: OPEN

DEFENDANT

Count	Degree	Code	Description	Outcome
1	Felony	PC 187(A)	MURDER	
2	Felony	PC 664/187(A)	ATTEMPTED MURDER	
3	Felony	PC 245(B)	ASSAULT PERSON WITH A SEMIAUTOMATIC FIREARM	
4	Felony	PC 664/187(A)	ATTEMPTED MURDER	
5	Felony	PC 245(B)	ASSAULT PERSON WITH A SEMIAUTOMATIC FIREARM	

Event Date	Event Type	Event
2012-10-09	Hearing	ARRAIGNMENT
2012-10-04	Report	ARREST WARRANT ISSUED
2012-10-04	Status	COMPLAINT FILED
2012-10-04	Report	ASSIGNED JUDGE
2012-10-04	Status	CASE INTAKE

[illegible]

①

**STANISLAUS COUNTY SUPERIOR COURT
STATE OF CALIFORNIA**

2.7 m
THE PEOPLE OF THE STATE OF CALIFORNIA,)

vs.)

ROBERT ANTHONY MORENO *IN*)

(DOB: 7/29/1982))

(At Large))

DEFENDANT (S))

No. 1450241)

State of California)

County of Stanislaus) ss.

FILED

12 OCT -4 PM 1:11

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

B. J. ...
DEPUTY

COMPLAINT -- CRIMINAL

MPD 12-62615

On October 3, 2012, DETECTIVE C. GROGAN, Modesto Police Department, complains and alleges, upon information and belief, that said defendant did commit the following crimes in the County of Stanislaus, State of California.

COUNT I: On or about July 22, 2012, defendant did commit a felony, MURDER, violation of Section 187(a) of the California Penal Code, in that the defendant did willfully, unlawfully, and feloniously and with malice aforethought murder **DARYL CHARGUALAF**, a human being.

ENHANCEMENT: During the commission of the above charged offense, defendant personally and intentionally discharged a firearm and proximately caused great bodily injury or death to another person, to wit, **DARYL CHARGUALAF**, in violation of Section 12022.53(d) of the California Penal Code. \$1 mil

NOTICE: It is further alleged, pursuant to Penal Code Section 1170(h)(3) and 1170(f) that the defendant is not eligible to be sentenced to a term of imprisonment in the county jail on an executed sentence. This allegation is not subject to dismissal pursuant to Penal Code Section 1385.

COUNT II: On or about July 22, 2012, defendant did commit a felony, ATTEMPTED MURDER, violation of Section 664/187(a) of the California Penal Code, in that the defendant did willfully, unlawfully, and feloniously and with malice aforethought attempt to murder **ANDREW DIAZ**, a human being.

ENHANCEMENT: During the commission of the above charged offense, defendant personally and intentionally discharged a firearm, in violation of Section 12022.53(c) of the California Penal Code.

NOTICE: It is further alleged, pursuant to Penal Code Section 1170(h)(3) and 1170(f) that the defendant is not eligible to be sentenced to a term of imprisonment in the county jail on an executed sentence. This allegation is not subject to dismissal pursuant to Penal Code Section 1385.

.....

.....

COUNT III: On or about July 22, 2012, defendant did commit a felony, ASSAULT WITH A SEMI-AUTOMATIC FIREARM, violation of Section 245(b) of the California Penal Code, in that the defendant did willfully, unlawfully and feloniously commit an assault with a semi-automatic firearm upon **ANDREW DIAZ**, a human being.

ENHANCEMENT: During the commission of the above said offense, defendant personally used a firearm, in violation of Section 12022.5(a) of the California Penal Code.

NOTICE: It is further alleged, pursuant to Penal Code Section 1170(h)(3) and 1170(f) that the defendant is not eligible to be sentenced to a term of imprisonment in the county jail on an executed sentence. This allegation is not subject to dismissal pursuant to Penal Code Section 1385.

COUNT IV: On or about July 22, 2012, defendant did commit a felony, ATTEMPTED MURDER, violation of Section 664/187(a) of the California Penal Code, in that the defendant did willfully, unlawfully, and feloniously and with malice aforethought attempt to murder **BILLY DIAZ, JR.**, a human being.

ENHANCEMENT: During the commission of the above charged offense, defendant personally and intentionally discharged a firearm and proximately caused great bodily injury or death to another person, to wit, **BILLY DIAZ, JR.**, in violation of Section 12022.53(d) of the California Penal Code.

NOTICE: It is further alleged, pursuant to Penal Code Section 1170(h)(3) and 1170(f) that the defendant is not eligible to be sentenced to a term of imprisonment in the county jail on an executed sentence. This allegation is not subject to dismissal pursuant to Penal Code Section 1385.

COUNT V: On or about July 22, 2012, defendant did commit a felony, ASSAULT WITH A SEMI-AUTOMATIC FIREARM, violation of Section 245(b) of the California Penal Code, in that the defendant did willfully, unlawfully and feloniously commit an assault with a semi-automatic firearm upon **BILLY DIAZ, JR.**, a human being.

ENHANCEMENT: During the commission of the above said offense, defendant personally used a firearm, in violation of Section 12022.5(a) of the California Penal Code.

ENHANCEMENT: During the commission of the above offense, the defendant did personally inflict great bodily injury upon **BILLY DIAZ, JR.**, in violation of Section 12022.7(a) of the California Penal Code.

.....

.....

NOTICE: It is further alleged, pursuant to Penal Code Section 1170(h)(3) and 1170(f) that the defendant is not eligible to be sentenced to a term of imprisonment in the county jail on an executed sentence. This allegation is not subject to dismissal pursuant to Penal Code Section 1385.

All of which is contrary to law in such cases made and provided, and against the peace and dignity of the People of the State of California.

Said Complaint therefore prays that a warrant be issued for the arrest of said defendant(s) and that said defendant(s) be dealt with according to law.

I certify under penalty of perjury, at Modesto, California, that the foregoing is true and correct.

Dated: 10/04/12

JML/db


Complainant

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CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY J-P

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

ROBERT MORENO,

Defendant.

Case No. 1450241

ORIGINAL

Before the Honorable RICARDO CORDOVA, Judge
October 26, 2016

PRONOUNCEMENT OF JUDGMENT

APPEARANCES:

JEFF LAUGERO, Deputy District Attorney, appeared for
and on behalf of the People.

JOHN GARCIA, Attorney at Law, appeared for and on
behalf of the Defendant.

HEIDI J. SCOTT, CSR NO. 11371
Official Court Reporter
800 11th Street, Room 220
Modesto, CA 95354
(209) 525-6373
email: Heidi.Scott@Stanct.org

1 Wednesday, October 26, 2016, 9:11 a.m.

2 ---oOo---

3 THE COURT: People versus Robert Anthony Moreno, case
4 number 1450241. Mr. Moreno is present in custody. This
5 matter is on for sentencing and credits. Mr. Garcia and
6 Mr. Laugero appearing.

7 MR. LAUGERO: Good morning, Your Honor.

8 MR. GARCIA: Good morning, Your Honor.

9 THE COURT: Parties ready to proceed at this time?

10 MR. GARCIA: Yes, Your Honor.

11 THE COURT: Based on the agreed-upon disposition in
12 this matter -- first of all, time waived for sentencing?

13 MR. GARCIA: Time so waived.

14 THE COURT: Any legal cause why judgment should not now
15 be pronounced?

16 MR. GARCIA: No, Your Honor.

17 THE COURT: And based on the stipulated agreement by
18 counsel, I will sentence Mr. Moreno to the upper term of 11
19 years in the state prison for a felony violation of Penal
20 Code Section 192(a), which is voluntary manslaughter.

21 I'll order that the defendant pay restitution both --
22 to both victims in the case through the Department of
23 Corrections and Rehabilitation.

24 Pay a \$3,300 restitution fund fine. That's \$300 times
25 the number of years of imprisonment.

26 I'll also order he pay \$40 security, \$30 criminal
27 conviction assessment fees.

28 And order the defendant submit to biological samples

1 and handprints.

2 We'll ask probation to prepare a summary probation
3 report.

4 I understand the parties are stipulating to presentence
5 credits, which are?

6 MR. GARCIA: I have the figures. It would be 2,290
7 days of actual time, 343 days good time credit, for a total
8 of 2,633.

9 MR. LAUGERO: We stipulate to that number, Your Honor.

10 THE COURT: We had discussions if the Department of
11 Corrections and Rehabilitation disagrees with that figure --
12 I'm not sure if they will or not -- I would not be inclined
13 to allow the defendant to withdraw his plea.

14 Is that the understanding?

15 MR. GARCIA: Yes.

16 MR. LAUGERO: Yes.

17 THE COURT: And you've discussed that with your client,
18 Mr. Garcia?

19 MR. GARCIA: Yes.

20 THE COURT: I think this is a very, very favorable
21 resolution for your client.

22 And, Mr. Moreno, I think you made some -- two very bad
23 decisions that night. One was to bring a loaded firearm to
24 a bar; the second one was getting in an altercation that
25 night which resulted in the death of a close friend of
26 yours. And one thing that strikes me when we were here last
27 on the victim-impact statement is his stepfather stating
28 that being happy does not seem right anymore. I hope you

1 have learned from this very painful lesson, Mr. Moreno, and
2 that this does not happen again.

3 Is your client ready to be transported at this time?

4 MR. GARCIA: He is, Your Honor.

5 THE COURT: Mr. Moreno will be remanded to the custody
6 of the sheriff for transportation to the Department of
7 Corrections and Rehabilitation forthwith.

8 (Proceedings concluded at 9:14 a.m.)

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1 STATE OF CALIFORNIA)
2 COUNTY OF STANISLAUS) SS.

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6 I, HEIDI SCOTT, Official Reporter of the Superior
7 Court of the State of California, in and for the County of
8 Stanislaus, hereby certify:

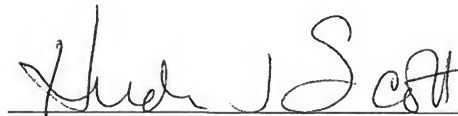
9 That I was present at the times and places herein set
10 forth and that I reported in shorthand notes the proceedings
11 had in the matter of People versus Robert Moreno; that I
12 thereafter transcribed my said shorthand notes by
13 computer-aided transcription, the foregoing being a full,
14 true, and correct transcription of the proceedings had.

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HEIDI J. SCOTT, CSR 11371

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21 Dated: 3-21-17

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24 GOVERNMENT CODE SECTION 69954:

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26 transcript may, without paying a further fee to the
27 reporter, reproduce a copy or portion thereof as an exhibit
28 pursuant to court order or rule, or for internal use, but
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other party or person.

10-11-16
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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF STANISLAUS
CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

ROBERT ANTHONY MORENO,

Defendant.

Case No. 1450241

ORIGINAL

Before the Honorable RICARDO CORDOVA, Judge

August 2, 2016

CHANGE OF PLEA

APPEARANCES:

JEFF LAUGERO, Deputy District Attorney, appeared for
and on behalf of the People.

JOHN GARCIA, Attorney at Law, appeared for and on
behalf of the Defendant.

HEIDI J. SCOTT, CSR NO. 11371
Official Court Reporter
800 11th Street, Room 220
Modesto, CA 95354
(209) 525-6373
email: Heidi.Scott@Stanct.org

1 Tuesday, August 2, 2016, 10:59 a.m.

2 ---o0o---

3 THE COURT: People versus Robert Anthony Moreno, case
4 number 1450241. Mr. Moreno is present in custody
5 represented by Mr. Garcia. Mr. Laugero is representing the
6 People.

7 And this matter is on calendar today -- the defendant
8 had requested the matter be placed on calendar to enter a
9 change of plea. I discussed the matter with the attorneys,
10 and the People are prepared to make the following offer.

11 We would take the plea today with the sentence
12 indicated and then come back on a later date for credits and
13 victim-impact statement; is that correct?

14 MR. LAUGERO: Yes, Your Honor.

15 THE COURT: And, Mr. Moreno, it's my understanding
16 you'll be pleading guilty or no contest to a lesser offense
17 to the count charged in Count I, that would be a felony
18 violation of Penal Code Section 192(a), voluntary
19 manslaughter, the indicated sentence would be the upper term
20 of 11 years in the state prison, and you would agree to pay
21 restitution for the victim of the manslaughter, and
22 additionally any restitution to the other persons that may
23 have been injured during this incident.

24 Is that your understanding and what you're prepared to
25 do today, Mr. Moreno?

26 THE DEFENDANT: Yes.

27 THE COURT: And I understand you will give up your
28 right to have a formal probation report, and sentencing will

1 occur on the date we're coming back.

2 When will that be, counsel?

3 Whenever that is, do you give up the right to have that
4 probation report, sir?

5 (Discussion with counsel and defendant.)

6 MR. GARCIA: Judge, one moment and I'll have a date for
7 you.

8 October the 11th. That's the date that was originally
9 scheduled for trial.

10 THE COURT: We can do that. Move it up to 8:30 that
11 morning, Counsel.

12 MR. LAUGERO: Yes.

13 THE COURT: We will set the matter for sentencing on
14 October 11th at 8:30 in the morning for victim-impact
15 statements.

16 Mr. Moreno, do you give up your right to have a formal
17 probation report?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you waive that right?

20 THE DEFENDANT: Yes.

21 THE COURT: And you also waive time for sentencing?

22 MR. GARCIA: So waived.

23 THE COURT: And you also waive that time, Mr. Moreno?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you understand that once you're
26 released from state prison, you'll be on parole for three
27 years thereafter with an additional one year for a violation
28 of parole.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: And do you understand the Court must impose
4 a restitution fund fine, the minimum of \$300, the maximum of
5 \$10,000, and that will be doubled if you failed to complete
6 parole successfully.

7 Do you understand that, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: And do you understand that this is a strike
10 under the three-strikes law, which means if you have any
11 future felony convictions, a prison sentence is required.
12 Your sentence would be doubled, and you would have to serve
13 a minimum of 80 percent of that sentence in the future case
14 in the state prison.

15 Do you understand that, Mr. Moreno?

16 THE DEFENDANT: Yes.

17 THE COURT: And if in the future you are convicted of
18 another strike offense and after that convicted of certain
19 other serious felony offenses, you could be looking at a
20 minimum of 25 years to life in the state prison.

21 Do you understand that, sir?

22 THE DEFENDANT: Yes.

23 THE COURT: You also understand this is a violent
24 felony, which means any credits would be limited to
25 15 percent.

26 Do you understand that, Mr. Moreno?

27 THE DEFENDANT: Yes.

28 THE COURT: And that means you'll have to serve

1 85 percent of the sentence in the state prison.

2 Do you understand that, sir?

3 THE DEFENDANT: Yes.

4 THE COURT: If you're not a citizen of the United
5 States, this conviction may have the consequences of
6 deportation, exclusion from admission to the United States,
7 or denial of naturalization pursuant to the laws of the
8 United States.

9 Do you understand that, sir?

10 THE DEFENDANT: Yes.

11 THE COURT: I will be imposing various parts of your
12 sentence when we return to court, and you must state your
13 objection before you leave the courtroom on that day or you
14 will have given up your right to appeal any part of the
15 sentence?

16 Do you understand that, sir?

17 THE DEFENDANT: Yes.

18 THE COURT: Other than what I've stated here in court
19 this morning, has anyone else made any other promises to you
20 in order to get you to enter this plea?

21 THE DEFENDANT: No.

22 THE COURT: Has anyone threatened you or anyone close
23 to you in order to get you to enter this plea?

24 THE DEFENDANT: No.

25 THE COURT: Have you had enough time to talk to your
26 lawyer and tell him all the facts and circumstances you know
27 about your case?

28 THE DEFENDANT: Yes.

1 THE COURT: Do you understand the nature of the charges
2 placed against you and the nature of the charge that you're
3 pleading to?

4 THE DEFENDANT: Yes.

5 THE COURT: Is it guilty or no contest plea,
6 Mr. Garcia?

7 MR. GARCIA: No contest, Your Honor. This plea will be
8 entered under *People versus West, People versus Alvernaz*
9 [sic].

10 THE COURT: Are you pleading no contest freely and
11 voluntarily?

12 THE DEFENDANT: Yes.

13 THE COURT: You have certain constitutional rights
14 which apply to all the charges against you including the
15 enhancements, allegations, and priors, which include a jury
16 trial; to confront and cross-examine the witnesses against
17 you; to the process of the court to subpoena witness for
18 you; to present evidence and testify in your own behalf; and
19 to remain silent and not incriminate yourself.

20 Do you understand each of those rights?

21 THE DEFENDANT: Yes.

22 THE COURT: And do you give up each of those rights?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that a no contest plea
25 will be treated the same as a guilty plea, and that I will
26 find you guilty based upon your no contest plea.

27 Do you understand that, sir?

28 THE DEFENDANT: Yes.

1 THE COURT: And are you pleading no contest to take
2 advantage of the offer made to you today and to avoid taking
3 the chance of being convicted of more serious offenses or
4 receiving a more severe sentence had you gone to trial?

5 THE DEFENDANT: Yes.

6 THE COURT: And, Counsel, do you stipulate to a factual
7 basis for the this plea based on the preliminary hearing
8 transcript in this matter?

9 MR. GARCIA: Yes, Your Honor.

10 MR. LAUGERO: Yes.

11 THE COURT: And, Mr. Moreno, how do you plead to a
12 felony violation of 192(a), voluntary manslaughter, alleging
13 that you did willfully, unlawfully, and feloniously kill a
14 human being without malice, upon a sudden quarrel or heat of
15 passion.

16 How do you plead to that count, sir?

17 THE DEFENDANT: No contest.

18 THE COURT: I find the defendant understood the nature
19 of the crime and the consequences of his plea; that he
20 understood his rights and knowingly, intelligently,
21 voluntarily waived those rights; and there's a factual basis
22 for the plea. The plea is accepted and entered into the
23 minutes of this Court. Taking the no contest plea together
24 with a factual basis, I'll find the defendant guilty of the
25 crime.

26 And, Mr. Laugero, do you move to dismiss or strike the
27 balance of the plea in the interest of justice and pursuant
28 to a *Harvey* waiver for restitution?

1 MR. LAUGERO: So moved, Your Honor.

2 THE COURT: That motion will be granted.

3 Time has been waived for sentencing. If there's any
4 legal cause, Mr. Garcia, you need to state that on the next
5 court date.

6 Mr. Moreno, do you understand as a result of this
7 felony conviction, you will not be able to own or possess
8 any firearms or ammunition for the rest of your life?

9 THE DEFENDANT: Yes.

10 THE COURT: And I will set no bail at this time. We
11 will continue the matter for sentencing and victim-impact
12 statement, that will be October 11th at 8:30.

13 The jury trial currently scheduled for October 11th is
14 vacated.

15 Mr. Laugero, do you have an anticipation as to how long
16 victim-impact might take?

17 MR. LAUGERO: I don't anticipate very long. Maybe 15
18 minutes.

19 THE COURT: So I make sure I have enough time to devote
20 to that.

21 Anything further?

22 MR. LAUGERO: We have a pretrial August 8th?

23 THE COURT: We'll vacate August 8th as well.

24 See you in October.

25 (Proceedings concluded at 11:08 a.m.)

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1 STATE OF CALIFORNIA)
2 COUNTY OF STANISLAUS) SS.

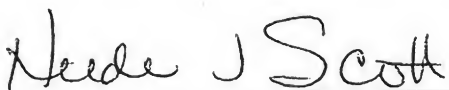
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6 I, HEIDI SCOTT, Official Reporter of the Superior
7 Court of the State of California, in and for the County of
8 Stanislaus, hereby certify:

9 That I was present at the times and places herein set
10 forth and that I reported in shorthand notes the proceedings
11 had in the matter of People versus Robert Moreno; that I
12 thereafter transcribed my said shorthand notes by
13 computer-aided transcription, the foregoing being a full,
14 true, and correct transcription of the proceedings had.

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HEIDI J. SCOTT, CSR 11371

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Dated: 9-12-16

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GOVERNMENT CODE SECTION 69954:

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MEMORANDUM OF POINTS AND AUTHORITIES

Defendant submits the following points and authorities in support of his motion to reduce bail.

I.

A court may not constitutionally require a defendant to post excessive bail.

. . . . Excessive bail may not be required. In fixing the amount of bail, the court shall take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probabilities of his or her appearing at the trial or hearing of the case.

Cal. Cons. Art I, §12.

II.

Proof concerning the defendant's reappearance must be borne by the prosecution.

Accordingly, it is concluded that due process requires the burden of proof concerning the detainee's likelihood of appearing for future court proceedings to be borne by the prosecution at the OR hearing.

Van Atta v. Scott, (1980) 27 Cal.3d 424, 444.

III.

Robert Moreno is a veteran of the Air Force, having served honorably for 5 years. He attained the rank of E4. He has many commendations for his service, including his service in the war zone of Iraq. (Attached as Exhibit A are commendations for Mr. Moreno's military experience).

At the time of this incident he worked as a federal police officer for Defense Logistics Agency in Tracy.

IV.

Mr. Moreno has no prior criminal record. The deceased, Daryl Chargualaf, was Mr. Moreno's best friend. (See attached Exhibit B, photograph of Robert Moreno and Daryl Chargualaf).

It is obvious that this was a tragic accident while Mr. Moreno was defending himself and his friend from unruly, drunken bar patrons. (See attached Exhibit C, article from the Modesto Bee from July 24, 2012).

Mr. Moreno is the father of two children, Jacob and Elijah ages 9 and 10, and is married to Heather Moreno. He currently lives in Hollister, CA. (See attached Exhibit D, photograph of Robert Moreno, his son Jacob, and Daryl Chargualaf)

V.

Justice requires that cases not receive disparate treatment, including in the setting of bail. In another recent case where murder was charged against someone who had no prior record bail was set at \$300,000.00 (see Modesto Bee article, attached as Exhibit E).

The defense requests that bail in this case be set at a commensurate amount.

VI.

For these reasons, and those stated in open court at the time of the hearing of this motion, it is respectfully requested that the amount of the defendant's bail be reduced.

McALLISTER & McALLISTER

Dated: October 10, 2012

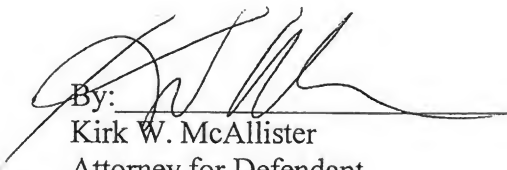
By: 
Kirk W. McAllister
Attorney for Defendant

EXHIBIT A

In Custody Report

Stanislaus County Sheriff's Department

Information required to be disclosed under the California Public Records Act

Inmate Name	Booking #	DOB	Arr Agency	Arr Time	Facility	Book Dt
MORENO, ALBERTO JR.	1257577	03/16/1975	SO	11:31	CJ	03/15/2010
Charge: 12020(A)(1) PC	Case No:	1414260	Bail:	\$260,000	CourtDt:	10/15/2012
Charge: 12021(A)(1) PC	Case No:	1414260	Bail:	INCLUSIVE	CourtDt:	10/15/2012
Charge: 148(A)(1) PC	Case No:	1414260	Bail:	INCLUSIVE	CourtDt:	10/15/2012
Charge: 12316(B)(1) PC	Case No:	1414260	Bail:	INCLUSIVE	CourtDt:	10/15/2012
Charge: 273.5 PC	Case No:	1055849	Bail:	\$20,000	CourtDt:	10/15/2012
Charge: 422 PC	Case No:	1055849	Bail:	INCLUSIVE	CourtDt:	10/15/2012
Charge: 10851(A) VC	Case No:	1055849	Bail:	\$250,000	CourtDt:	10/15/2012
Charge: 496D(A) PC	Case No:	1423885	Bail:	INCLUSIVE	CourtDt:	10/15/2012
MORENO, ANTONIO JOSE	1304303	08/31/1972	TPD	19:35	SC	05/22/2012
Charge: 166(A)(4) PC	Case No:	1445151	Bail:	NOBAIL	CourtDt:	10/10/2012
Charge: 166(A)(4) PC	Case No:	1440153	Bail:	NOBAIL	CourtDt:	10/10/2012
MORENO, CHARLES MATTHEW II	1300853	08/02/1979	MPD	15:15	CJ	03/26/2012
Charge: 11377(A) H&S	Case No:	1443374	Bail:	\$250,000	CourtDt:	
Charge: 148(A)(1) PC	Case No:	1443374	Bail:	INCLUSIVE	CourtDt:	
Charge: 3056 PC	Case No:	F93721	Bail:	\$0	CourtDt:	
MORENO, CICILY GAYLE	1312915	07/26/1974	OPD	11:23	SC	10/07/2012
Charge: 11377(A) H&S	Case No:	1249652	Bail:	\$50,555	CourtDt:	10/09/2012
Charge: 11364(A) H&S	Case No:	1249652	Bail:	INCLUSIVE	CourtDt:	10/09/2012
Charge: 148.9(A) PC	Case No:	2	Bail:	\$20,000	CourtDt:	
Charge: 1320(A) PC	Case No:	2	Bail:	INCLUSIVE	CourtDt:	
MORENO, FELIX CORTEZ	1310493	01/01/1961	MPD	18:30	SC	08/30/2012
Charge: 666 PC	Case No:	1449165	Bail:	NOBAIL	CourtDt:	
Charge: 3056 PC	Case No:	F78566	Bail:	NOBAIL	CourtDt:	
Charge: MEMO	Case No:	3	Bail:	\$0	CourtDt:	
MORENO, ROBERT NMN	1312797	07/29/1982	MPD	08:00	SC	10/05/2012
Charge: 187(A) PC	Case No:	1450241	Bail:	NOBAIL	CourtDt:	10/09/2012
Charge: 664/187(A) PC	Case No:	1450241	Bail:	NOBAIL	CourtDt:	10/09/2012
Charge: 245(B) PC	Case No:	1450241	Bail:	NOBAIL	CourtDt:	10/09/2012
MORGAN, MATTHEW NMN	1307623	10/13/1992	MPD	19:16	SC	07/16/2012
Charge: 261(A)(3) PC	Case No:	1447349	Bail:	\$200,000	CourtDt:	11/14/2012
Charge: 264.1 PC	Case No:	1447349	Bail:	INCLUSIVE	CourtDt:	11/14/2012
Charge: 484(A) PC	Case No:	1441183	Bail:	\$2,500	CourtDt:	11/14/2012
Charge: 459/460(A) PC	Case No:	1448525	Bail:	\$50,000	CourtDt:	11/14/2012
MORGANFLASH, HAROLD WILLIAM	1312197	02/25/1961	PAR	14:00	CJ	09/26/2012
Charge: 3056 PC	Case No:	1	Bail:	NOBAIL	CourtDt:	
Charge: MEMO	Case No:	1	Bail:	NOBAIL	CourtDt:	
MOSLEY, JASON DEWAYNE	1309917	03/22/1981	TPD	15:38	SC	08/21/2012
Charge: 11377(A) H&S	Case No:	1448639	Bail:	\$50,000	CourtDt:	10/26/2012
Charge: 3056 PC	Case No:	T35919	Bail:	NOBAIL	CourtDt:	
MOULYN, NORMA JEAN	1312178	06/03/1962	MPD	08:55	SC	09/26/2012

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Posted on Thu, Oct. 11, 2012

Bail set at \$2.9M in federal officer's shooting death in Modesto

By Rosalio Ahumadarahumada@modbee.com

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MODESTO --]

A judge on Thursday set a bail amount at \$2.9 million for a Hollister man accused of murder in connection with the shooting of his co-worker, an off-duty Department of Defense police officer.

Police say Robert Anthony Moreno pulled out a gun during a fight with a group of people outside a north Modesto bar in late July, opened fire and inadvertently shot to death his fellow federal officer, Daryl Chargualaf.

Before the judge made up his mind, Kirk McAllister, Moreno's defense attorney, argued that his client fired the gun in self-defense after he was attacked by another group. He said Moreno accidentally shot his friend in the process. "No way that was an intentional homicide," McAllister argued.

Deputy District Attorney Jeff Laugero disagreed with the defense attorney's characterization of the shooting. The prosecutor told the judge that Moreno intentionally pulled out a gun and fired the weapon, "not one time, several times."

Laugero also argued there was no indication anyone else fired a gun during the violent confrontation. He said Moreno fired five shots from his gun.

McAllister was seeking a bail amount less than \$300,000. He argued that his client was a decorated member of the military who served in Iraq.

The defense attorney said Moreno has no prior criminal record and is not a flight risk. He said Moreno has not tried to evade authorities in the past few months since the shooting, even though he knew he was being investigated.

Laugero said Moreno is a risk to public safety if he were to be released from custody, go to a bar and find himself in a similar situation.

Chargualaf, 34, of Modesto died from injuries suffered in the shooting, which occurred about 1:40 a.m. July 22 outside O'Malley's Bar in a shopping center at Standiford Avenue and Prescott Road.

Modesto police have said Moreno remained at the crime scene when police arrived and identified himself to investigators as the person who fired the shots. Moreno said he was as an off-duty U.S. Department of Defense police officer. He worked with Chargualaf at a facility in Tracy.

Moreno, 30, has been charged with murder, along with two counts each of attempted murder and assault with a semiautomatic gun. He was being held without bail at the Stanislaus County Jail.

After hearing the arguments, Stanislaus County Superior Court Judge Ricardo Córdova set Moreno's bail at \$2.9 million and scheduled the defendant to return to court Oct. 24 for his arraignment hearing. Moreno remained in custody at the Stanislaus County Jail.



Modesto Police Department - Robert Anthony Moreno
Modesto Police made an arrest in a fatal shooting that occurred in the parking lot near O'Malley's Bar in North Modesto, Calif., on July 22, 2012. Robert Anthony Moreno, a 30-year-old resident of Hollister, Calif., was arrested without incident and returned to Modesto, where he was booked into the Stanislaus County Jail. Moreno faces one count of Murder and one count of Attempted Murder. - Modesto Police Department - Modesto Police Department

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Posted on Fri, Oct. 05, 2012

Victim's co-worker arrested in shooting at O'Malley's Bar in Modesto

By Rosalio Ahumadarahumada@modbee.com

last updated: October 06, 2012 12:20:48 AM

MODESTO --]

Detectives on Friday morning arrested a Hollister man police say pulled a gun during a fight outside a north Modesto bar in late July, opened fire and inadvertently shot to death his co-worker, an off-duty U.S. Department of Defense police officer.

Robert Anthony Moreno, 30, was arrested in Hollister and booked at the Stanislaus County Jail on suspicion of murder, attempted murder and assault with a deadly weapon, according to sheriff's custody records. He was being held without bail Friday night.

Modesto resident Daryl Chargualaf died from injuries he suffered in the shooting, which occurred about 1:40 a.m. July 22 outside O'Malley's Bar in a shopping center at Standiford Avenue and Prescott Road.

Modesto police officers responded to a report of a shooting and found two men with gunshot wounds amid a large, chaotic crime scene in the parking lot outside the bar. Both men were taken by ambulance to local hospitals.

Chargualaf, 34, died at the hospital. The other man suffered wounds that were not life-threatening and later was released from the hospital. Police have not released the name of the man who survived.

Chargualaf, also known as "Chug" to his friends, was a 10-year Air Force veteran stationed at Travis Air Force Base in Fairfield. He was a member of the base's military police.

In February, Chargualaf began working at a Defense Logistics Agency site in Tracy, which is part of the government's largest logistics combat support agency. It provides supplies, uniforms and food to the Army, Navy, Air Force, Marines and other federal agencies.

Chargualaf's mother, Annie Runner, declined to comment about Moreno's arrest when The Bee contacted her Friday at her family's home in Oak Harbor, Wash.

Attempts by The Bee to reach Moreno's family Friday afternoon were not successful.

Suspect spoke to officers at scene

Modesto police Lt. Rick Armendariz said Moreno remained at the crime scene when police arrived and identified himself to investigators as the person who fired the shots. Moreno said he was as an off-duty U.S. Department of Defense police officer. He also worked in Tracy.

Armendariz said Moreno and Chargualaf were together inside the bar when they got into an argument with another group. The dispute escalated in the parking lot, and a fight ensued between the two groups.

Moreno pulled his handgun during the fight and fired the weapon several times, hitting Chargualaf and the other man, Armendariz said. Police at the time believed there were others involved in the confrontation, to which there were about 20 to 30 witnesses.

Investigators gathered information that indicates Moreno was "criminally culpable" in the death of Chargualaf and the injuries to the other man, Armendariz said. The investigators then obtained an arrest warrant for Moreno, who was taken into custody without incident.

Police investigators have handed over the case to the Stanislaus County district attorney's office. Moreno won't be arraigned in Stanislaus County Superior Court until at least Tuesday because court is closed Monday for Columbus Day.



(Modesto Police Department) Modesto Police are investigating an early morning shooting at a local bar, which left one person dead and a second victim suffering from non-life threatening gunshot wounds. On Sunday July 22, 2012, at about 01:38 A.M., Modesto Police officers were called to O'Malley's Bar, located at 2200 Standiford Avenue in northwest Modesto, for a report of a shooting. - Modesto Police Department

Bee staff writer Rosalio Ahumada can be reached at rahumada@modbee.com or (209) 578-2394.

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